

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

VINCENT JOHNNY AVALOS,

Plaintiff,

v.

SARA L. KIRCHEN-ROLPH, *et al.*,

Defendants.

Case No. 1:21-cv-00084-BAK (GSA) (PC)

**ORDER GRANTING PLAINTIFF'S  
MOTION TO FILE A FIRST AMENDED  
COMPLAINT**

(ECF No. 17)

Plaintiff Vincent Johnny Avalos, a state prisoner proceeding *pro se* and *in forma pauperis*, has filed a motion seeking leave to file a first amended complaint. (ECF No. 17.)

Under Rule 15 of the Federal Rules of Civil Procedure, the plaintiff may amend its pleading with the court's leave. Fed. R. Civ. P. 15(a)(2). The Rule provides that "[t]he court should freely give leave when justice so requires." *Id.* The United States Supreme Court has stated that "this mandate is to be heeded." *Lopez v. Smith*, 203 F.3d 1122, 1130 (9th Cir. 2000) (quoting *Foman v. Davis*, 371 U.S. 178, 182 (1962)). The intent of the rule is to "facilitate decision on the merits, rather than on the pleadings or technicalities." *Chudacoff v. Univ. Med. Center of S. Nev.*, 649 F.3d 1143, 1152 (9th Cir. 2011). Consequently, the "policy of favoring amendments to pleadings should be applied with 'extreme liberality.'" *United States v. Webb*, 655 F.2d 977, 979 (9th Cir. 1981).

Because Plaintiff's complaint has not yet been screened and served, there is no prejudice to the defendants. The Court will grant Plaintiff leave to amend his complaint. Plaintiff is

1 advised that an amended complaint supersedes the original complaint. *Lacey v. Maricopa Cty.*,  
2 693 F.3d 896, 907 n.1 (9th Cir. 2012) (*en banc*). Thus, an amended complaint must be “complete  
3 in itself without reference to the prior or superseded pleading.” L.R. 220.

4 Accordingly, IT IS HEREBY ORDERED that Plaintiff’s motion for leave to file a first  
5 amended complaint, (ECF No. 17), is **GRANTED**.

6  
7 IT IS SO ORDERED.

8 Dated: September 21, 2022

/s/ Gary S. Austin  
UNITED STATES MAGISTRATE JUDGE